

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
THE NEW YORK TIMES COMPANY and  
SCOTT SHANE,

Plaintiffs,

-against-

FEDERAL BUREAU OF INVESTIGATION

Defendant.  
\_\_\_\_\_

X

:

:

:

:

:

:

:

:

:

:

:

X

No. 15 Civ. 4829 (RA)

**PLAINTIFFS' NOTICE OF CROSS-MOTION  
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment; the Declaration of Scott Shane, dated November 6, 2015, and the attachments thereto; and all other prior papers and proceedings in this action, Plaintiffs shall move this Court at a date to be determined by the Court for a order (i) granting their motion for summary judgment; (ii) requiring the Government to make public the challenged withheld documents requested pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, within 20 days; (iii) awarding Plaintiffs the costs of this proceeding, including reasonable attorney's fees, as expressly permitted by 5 U.S.C. § 552(a)(4)(E); and (iv) granting such other and further relief as the Court deems just and proper.

Dated: New York, NY  
November 6, 2015

Respectfully submitted,  
/s/ David E. McCraw  
David E. McCraw, Esq.  
Jeremy A. Kutner, Esq.  
The New York Times Company  
Legal Department  
620 Eighth Avenue  
New York, NY 10018  
Phone: (212) 556-4031  
Facsimile: (212) 556-1009  
Email: [mccraw@nytimes.com](mailto:mccraw@nytimes.com)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I, David E. McCraw, counsel for Plaintiffs, hereby certify that on November 6, 2015, I caused a copy of the (1) Notice of Motion; (2) Memorandum of Law in Support of Plaintiffs' Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment; and (3) Declaration of Scott Shane, dated November 6, 2015, and accompanying exhibits, to be served by ECF and E-mail upon the following:

Arastu K. Chaudhury, Esq.  
Caleb Hayes-Deats, Esq.  
United States Attorney's Office  
Southern District of New York  
86 Chambers Street, Third Floor  
New York, NY 10007  
Email: arastu.chaudhury@usdoj.gov, caleb.hayes-deats@usdoj.gov  
Attorneys for Defendant

Dated: New York, New York  
November 6, 2015

/s/ David E. McCraw  
DAVID E. MCCRAW  
Attorney for Defendant